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DEMOCRATIC IDEALS AND REPUBLICAN INSTITUTIONS IN INDIA

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To appreciate the political theories and institutions of Asia in the proper historical perspective, it is necessary to remember that, in spite of Switzerland, universal suffrage and the initiative and referendum are essentially young phenomena in Eur-America; and that republicanism cannot be pronounced to be a historic trait of the occidental mind.

On the other hand, it is apparent that the liberal political movements in Young Asia have, if at all, only very remote blood-relationship with the theories and institutions developed in its past history. The Japanese constitutional monarchy, the ideals of the Young Turk, the Chinese republic, as well as the nationalist activities in Egypt, Persia and India, are chiefly based on the modern Eur-American achievements. These sources can be briefly mentioned as: (1) the English parliament, (2) the American federation, (3) the "ideas of 1789," (4) the idealism of Fichte and Schiller, (5) the socialism of Karl Marx and Louis Blanc, (6) the political mysticism of Joseph Mazzini, and, last but not least, (7) the philosophy and methodology of John Stuart Mill.

Within these limitations it should be possible to define the rightful place of the Asians in a scientific study of comparative politics.

ORIENTAL POLITICAL PHILOSOPHY

Writers on the history of political theory make it a point to quote democratic verses from the Bible. We are asked, for example, to note the following statement of St. Paul: "There can be neither Jew nor Greek, there can be neither bond nor free, there can be no male and female; for ye are one in Christ Jesus."

Notions like this constitute a large part of Chinese and Hindu classics. Bulky as they are they can be mainly grouped under the formula: "All men are morally and spiritually equal." The Pauline declaration is almost a chip from Vedantic monism.

Moh-ti (c B.C. 500-420), "the only Chinese who can truly be said to have founded a religion," was the preacher of universal brotherhood. Mencius (B.C. 373-289), the great Confucian philosopher, said: "Moh-ti loved all men, and would gladly wear out his whole being from head to heel for the benefit of mankind." This doctrine of universal altruism is, says Suh Hu in *The Development of Logical Method in Ancient China*, a repudiation of the Confucian principle of love decreasing with the remoteness of relationship. Hui Sze, the neo-Mohist dialectician of the fourth century B.C., also taught "Love all things equally; the universe is one."

In Islam the social equality of all "believers" is proverbial. The brotherhood of the Mohammedans without distinction of race is the most characteristic tenet of their faith. The following is the injunction of the Koran¹ on this point:

"If two parties of the believers contend with one another, do ye endeavor to compose the matter between them make peace between them with equity Verily the true believers are brethren; wherefore reconcile your brethren neither defame one another; nor call one another by opprobrious names."

The Hindu *Puranas* also are replete with instructions like the following: "Everywhere, O Daityas (Titans), ye should per-

¹ Ch. XLIX (Sale's translation).

ceive the equal; for the realization of equality (*samatva* or sameness, oneness, etc.) is the worship of God.”²

This democratic conception of equality or Pauline oneness is essentially different from the idea of Aristotle, who believed in the fundamental inequality of man, to whom, therefore, slavery was a “natural” institution. But this is the common residuum of the teachings of the Chinese, Mohammedans, and Hindus of Asia, as well as the Stoics of the Hellenistic world, and the Church Fathers and Canonists of medieval Europe, in spite of sundry differences. Indeed, the doctrine is bound to remain the most acceptable postulate of thought as long as there are men and women to take interest in religion and morals.

There are, however, sentiments of a more directly democratic character in oriental political philosophy. The Chinese classics, especially the Confucian *Shu-king* (Book of History)³ and the Mencian Books,⁴ and the Hindu *neeti-shastras* (treatises on statecraft), *dharma-shastras* (treatises on law), and epics (especially the *Mahabharata*) contain frequent discussions as to the restraints on royal absolutism, the responsibility of ministers, and the authority of the people.

The whole political theory of the Chinese is in fact given in a nutshell in the dictum of Mencius that “the most important element in a state is the people; next come the altars of the national gods; least in importance is the king.” Chinese mentality has thus been nurtured on a tradition which is diametrically opposite to the absolutism of the *Leviathan* and the divine right theory of the *Patriarcha*. “It is treated almost as a constitutional principle that when the king of China misbehaves it is the duty of the most virtuous and powerful of the provincial princes to depose and succeed him. . . . This is not the only point on which the political philosophy of ancient China was advanced and revolutionary.”⁵

² *Visnu Purana*, Ch. XVII.

³ Pt. II, Bk. II, ch. i, 6; ch. ii, 17, 18; Pt. IV, Bk. III. (Legge's trans.)

⁴ Bk. I, Pt. II, ch. iv, 10; ch. viii, 2, 3; Bk. V, Pt. I, ch. v, 8; Pt. II, ch. ix, 1.

⁵ Simcox's *Primitive Civilizations*, Vol. II, p. 18.

It is in the light of this ideal that we can understand the significance of the wording of the edict by which the last Manchu (Dowager Empress) formally declared the throne vacant and invited the Republic to step into the shoes of the monarchy. The "abdication" edict records the "desire to follow the precepts of the sages of old who taught that political sovereignty rests ultimately with the people." It has restated the Rousseauesque Mencian creed: "By observing the nature of the people's aspirations we learn the will of Heaven." Verily, *vox populi vox dei* is almost a truism to the Chinese.

THE DOCTRINE OF RESISTANCE IN HINDU THOUGHT

Equally radical ideas about the authority of the people occur in the political philosophy of the Hindus. According to Shookra, the Hindu Mencius, who during the earlier centuries of the Christian era preserves for us some of the past traditions, "the ruler has been made by Brahma (the highest God) but a servant of the people, getting his revenue as remuneration. His sovereignty, however, is only for the protection of the people."⁶ The king is described as a wage-earner by Baudhayana in his law-book.⁷ As a corollary to this notion, the king, like any other public servant or individual in the state, is liable to fines for violation of the law. This is stated categorically by Manu.⁸

The dignity of the people is adumbrated by Shookra in a most merciless manner. He admits the importance of the office of kingship, but is not prepared to concede any distinction between man and man. Thus asks he, "does not even the dog look like a king when it has ascended a royal chariot? Is not the king justly regarded as a dog by the poets?"⁹ The idea is that the king is as good or as bad as any other human being. There is no extra sacredness in the person of the king.

⁶ Ch. I, lines 375-376; Ch. iv, sec. ii, line 259. My English translation of *Sukra-niti* is based on the Sanskrit text edited by Oppert, and forms Vol. XIII of *The Sacred Books of the Hindus* (Panini Office, Allahabad; Agents: Luzac and Co., London).

⁷ I, 10, 18, 1, *The Sacred Books of the East* (ed. Max Müller).

⁸ Ch. viii, verse 336.

⁹ Ch. I, lines 745, 746.

Shookra does not want to see the majesty of the people converted into a dead letter. So he advises that the king "should dismiss the officer who is accused by one hundred men."¹⁰ Here is one of the agencies by which public opinion is brought to bear on the state. This is the doctrine of recall in embryo.

The rights and interests of the people are, according to the practice in the *Mahabharata*, safeguarded by the ministry.¹¹ It is almost a postulate with all Hindu writers on *neeti* (statecraft) that the ministers are the people's representatives and guardians. They are intended to be a check on the royal power. As Bhāradvāja remarks, they constitute "the sole prop of the state."¹²

Arbitrary monarchy has no place in Shookra's idea of legitimate authority. "The monarch who follows his own will is the cause of miseries and soon gets estranged from his kingdom and alienated from his subjects." The result is a revolution in the state. This can be avoided, according to his advice, if the opinion of a "meeting" checks and controls the actions of the king. The wise ruler should, therefore, "abide by the well-thought-out decisions of councillors, office-bearers, subjects and members attending a meeting, never by his own opinions."¹³

Exclusive government by the one is also unequivocally ruled out of order in the *Matsya Purana*¹⁴ and the *Agni Purana*.¹⁵ "The king must not decide on the policies as one (i.e. quite alone)." (*Naikastu mantrayen mantram.*) The evils of such a rule are described by Kamandaka,¹⁶ who, as a writer of *neeti-shastra*, is older than Shookra. Even in Kautilya's *Artha-shastra*¹⁷ (fourth century B.C.), the bible of imperialism, the council of ministers is an essential estate of the realm.

¹⁰ Ch. I, line 755.

¹¹ Hopkins' "Social and Military Position of the Ruling Caste in Ancient India as Represented by the Sanskrit Epic" in the *Journal of the American Oriental Society*, Vol. XIII, 1889, pp. 143, 144, etc.

¹² *The Artha-shastra*, Book V, Ch. IV (Shamasastri's trans. in the *Indian Antiquary*, 1909-1910).

¹³ Ch. II, lines 5, 6, 7, 8.

¹⁴ Ch. 220, verse 37.

¹⁵ Ch. 225, verse 18.

¹⁶ *Neeti*, Ch. XI, verse 75 (Sanskrit text in the Bibliotheca Indica Series).

¹⁷ Book I (Shamasastri's trans. in the *Mysore Review*, 1906-1908).

Again, according to Shookra, it is not enough that there is a body of ministers in the state. They must be powerful enough to control the king. They must not be merely the "king's men." "Can there be prosperity in a kingdom," he asks "if there be ministers whom the king does not fear?" And he defines "good ministers" as such persons "whose control the king fears."¹⁸ Consistent with this idea is the theory that the rejection of the ministers' advice by the king is tantamount to tyranny. "The king who does not listen to the counsels of ministers about things good and bad to him is a thief in the form of a ruler, an exploiter of the people's wealth."¹⁹

But the legally constituted council of ministers, "the few," may often fail to bring to bay an arbitrary Charles I, the Chow in Mencius' story. Shookra has discussed such a contingency and has found in the ultimate power of the people the only solution of such problems. Should the councilors have been brow-beaten by the king, "the unity of opinion possessed by the many is more powerful than the king. The rope that is made by a combination of many threads is strong enough to drag the lion."²⁰

Logically, therefore, the Hindu political thinkers have been, as a rule, advocates of active resistance. According to Kautilya the nemesis of tyranny is expulsion. The *Mahabharata*²¹ justifies regicide on the part of the people (*tam hanyuh prajah*) if the king is not a "protector" and "leader" but one who "spoils" or ruins and "demolishes" or destroys. According to Manu,²² the king who through foolishness tyrannizes over his own state is very soon "deprived of his kingdom and life together with his kith and kin. As the lives of living beings perish through torture of the body, so the lives of kings also are lost through torturing the kingdom." And *Shookra-neeti*²³ is as emphatic as the *Mahabharata* in its advice to the people regarding the treatment of a tyrant. "If the king is an enemy of virtue, morality, and

¹⁸ Ch. II, lines 163, 164.

¹⁹ Ch. II, lines 515, 516.

²⁰ Ch. IV, Sec. vii, 830-833, 838, 839.

²¹ Book XIII, ch. LXI, 32.

²² Ch. VII, verses 111, 112.

²³ Ch. II, lines 549-552.

strength, the people should expel him as the ruiner of the state." And for the maintenance of the state "the priest with the consent of the *prakriti* (the council of ministers) should install one who belongs to his family and is qualified."

Historical evidences and legendary traditions show that these notions about the popular source of political authority were not mere copybook maxims. The minister I Yin confined the sovereign Tai Chia temporarily in a palace at Tung near the remains of the former king "until he gave proof of reformation." When Kung-sun Chow asked Mencius whether worthies being ministers might indeed banish their vicious sovereigns in this way, he answered: "If they have the same purpose as I Yin, they may; otherwise it would be usurpation."²⁴ In India, King Bimbisara²⁵ had to abdicate in favor of his son because he had violated the law of the land. And an unalloyed democracy was the polity in operation during the first period of the Mohammedan Caliphate, when every "believer" had the right to be a councilor.

But, on the whole, these theories of oriental political philosophy should be evaluated in the same way as those in medieval Europe. In the first place, as Mr. Figgis remarks,²⁶ we are always in danger of reading our thoughts into the words of the ancients, of drawing modern deductions from non-modern premises. In the second place, such speculations cannot be wholly taken as the outcome or reflex of actual popular developments. The democratic ideals of philosophers, the pious wishes of moralists as to the right conduct of statesmen, or the admonitions by sages and "superior men" do not necessarily indicate the existence of republican institutions.

Not only in political theory, but in political development, also, Asia's record is to a considerable extent parallel to that of continental Europe down to 1789. For all practical purposes it is despotism, arbitrary even when "enlightened," that has been the norm in the development of European polity. And the

²⁴ Mencius, Book VII, Part I, xxxi.

²⁵ Beal's *Buddhist Records*, Vol. II, p. 166.

²⁶ *From Gerson to Grotius*, p. 31.

checks and restraints casually imposed on it by the assemblies have had no cumulative effect, except in England, in the making of constitutionalism. If students of political institutions were less accustomed to read into past achievements the meaning of the latest phases of popular sovereignty, they would find that the republicanism of today has really had no precedent either in classical or feudal Europe. And if an unprejudiced investigation of a searching character were attempted in the field of Asian political institutions for the same periods, the effort would lead to a discovery of the "doubles" or replicas and analogues of what the occidentals have been familiar with among themselves. Political science would then recognize that, after all, Asia's experience has not been distinctively "Oriental," but that, what should be assumed *a priori*, man has been fundamentally the same "political animal" of Aristotle both in the East and the West.

THE REPUBLICS OF ANCIENT INDIA

Republics with sovereign authority must have originated very early in India.²⁷ Some of them survived with complete or modified independence down to the fourth century B.C. These are mentioned, not only in Buddhist and Jaina records, but also in the Greek and Latin literature on India and Alexander,²⁸ as well as in the Sanskrit epics and treatises on politics.

The Hindus of the Vedic age were familiar with republican nationalities. Among the Uttara Kurus and the Uttara Madras the "whole community was consecrated to rulership," in the language of the *Aitareya Brahmana*.²⁹ Such polities were called *vairajya*, i.e. kingless.

Republics are described in the *Mahabharata* as invincible³⁰ states in which the rule of "equality" is observed (*sadrishah*

²⁷ Kashiprasad Jayaswal's "Introduction to Hindu Polity" in the *Modern Review*, Calcutta, May-July, 1913; Narendranath Law's "Forms and Types of States in Ancient India" in the same journal, September, 1917.

²⁸ Megasthenes' *Fragments*, L, LVII; Hopkins' article in the *Journal of the American Oriental Society*, XIII, 136.

²⁹ VII, 3, 14.

³⁰ *Shanti-parva*, ch. CVII, verses 30-32.

sarve . . jatya . . kulena). "Neither prowess nor cleverness can overthrow them; they can be overthrown by the enemies only through the policy of division and subsidy."

The men who constituted the executive of such kingless polities were called *rajan*³¹ or kings. The title reminds one of the impression which the Senate of republican Rome left on the emissaries of Pyrrhus of spirus. They described it as an "assembly of kings."

During the lifetime of Shakyasimha, the Buddha (B. C. 557-477), the Sakiyas and the Vajjians were the most important republican clans in the eastern provinces of India. The territory of the Sakiya republic covered about fifty miles east to west, and thirty or forty miles southward from the foot of the Himalayas. The population numbered about one million.

The Videhas had at first been monarchical with jurisdiction over an area twenty-three hundred miles in circumference. But they abolished the regal polity, and joined the Vesali and six other peoples to form the powerful Confederacy of the Vajjians.

The administrative and judicial business of the Sakiya republic was "carried out in public assembly, at which young and old were alike present, in the common mote hall. A single chief . . . was elected as office-holder presiding over the sessions, and if no sessions were sitting, over the state. He bore the title of *raja* which must have meant something like the Roman consul or the Greek archon." Besides this mote hall at the principal town we hear "of others at some of the other towns. And no doubt all the more important places had such a hall or pavilion."³²

In the United States of the Vajjians "criminal law was administered by a succession of regularly appointed officers: justices, lawyers, rehearsers of the law maxims, the council of the representatives of the eight clans, the general, the vice-consul, and the consul himself. Each of these could acquit the accused. But if they considered him guilty each had to refer the case to

³¹ Rhys Davids' *Buddhist India*, pp. 22, 41.

³² *Ibid.*, Ch. II.

the next in order above them, the consul finally awarding the penalty according to the book of precedents.”³³

Buddha himself was a staunch republican in political views. We have the following conversation between him and his disciple “the venerable Ananda,” in the *Maha-pari-nibbana-suttanta*:

“Have you heard, Ananda, that the Vajjians foregather often and frequent the public meetings of the clans?”

“Lord, so I have heard,” replied he.

“So long, Ananda,” rejoined the Blessed One (Buddha), “as the Vajjians foregather thus often, and frequent the public meetings of their clan, so long may they be expected not to decline but to prosper.”

And in like manner questioning Ananda and receiving a similar reply, the Exalted One declared as follows the other conditions which would ensure the welfare of the Vajjian Confederacy:

“So long, Ananda, as the Vajjians meet together in concord, and carry out their undertakings in concord . . . so long as they honour and esteem and revere and support the Vajjian elders . . . so long may they be expected not to decline but to prosper.”³⁴

It was not in a quietist's manner that Buddha tried to realize his ideas. He was an active organizer. From the same text we catch a glimpse of his republican propaganda. He says: “When I was once staying . . . at Vesali at the Sarandada shrine I taught the Vajjians these conditions of welfare.”

These are three of the “seven conditions of welfare” in the political philosophy of Buddha. And he was militant enough to maintain this republican creed even when pitted against monarchy. Ajatasatru, the king of Magadha, had been contemplating the annihilation of the Vajjians, “mighty and powerful though they be.” But Buddha rose to the height of the occasion and confidently declared: “The Vajjians cannot be overcome by the king of Magadha, i.e. not in battle, without diplomacy or breaking their alliance.” Had the Athenians a greater champion

³³ *Ibid.*, Ch. II.

³⁴ *Dialogues of the Buddha*, Vol. II (translated by Rhys Davids).

of popular sovereignty in Demosthenes when threatened by the "barbarian" of Macedon?

Coming down to a later period, we find that it was with the powerful military republics that Alexander had to measure his strength in his march through the Punjab and Sindh (B.C. 326).³⁵ The most important of them were the Arattas, the Ksudrakas, the Khattiyas, and the Malavas. The political constitution of the city of Patala, near the apex of the delta of the Indus, was, according to Diodorus,³⁶ drawn "on the same lines as the Spartan." For in this community "the command in war vested in two hereditary kings of two different houses, while a council of elders ruled the whole state with paramount authority." The republic of the Arattas³⁷ (*Arastrakas*, i.e. kingless) came to the help of Chandragupta Maurya when a few years later he commanded a successful crusade against the Greeks of the Indian borderland.

The number of republican states during the second half of the fourth century B. C. was large enough to draw the attention of Kautilya, the Hindu Bismarck. As these petty popular polities were a nuisance, obstructing the achievement of an all-Indian nationalism, the finance minister advised his master Chandragupta to use blood and iron in order to exterminate them. The method of his *Artha-shastra* is the same as that propounded about eighteen hundred years later in the *Prince* of Machiavelli, the first "nationalist" of Europe.

The republics were, however, considered by Kautilya as very valuable assets. "The acquisition of the help of republics (*gana*) is better than the acquisition of an army, an ally, or profits."³⁸ Before undertaking to destroy them by force of arms, therefore, the would-be *dominus omnium* or *sarva-bhauma*, i.e. the imperialist nation builder, should, says he, make it his duty to win them

³⁵ Smith's "Position of the Autonomous Tribes of the Punjab" in the *Journal of the Royal Asiatic Society*, 1903, pp. 685-702.

³⁶ McCrindle's *Invasion of India by Alexander* (ed. 1896), p. 296.

³⁷ *Ibid.*, p. 406.

³⁸ Book XI, ch. i, *The Indian Antiquary*, 1910, pp. 116-118. Mr. Shamasastri translates *gana* by "corporation." The context requires that it should be "republic."

over to the cause of a unified empire-state. And, of course, as the end justifies the means, Walpolian bribery and corruption might be freely practiced. From the impeachment of Aeschines by Demosthenes, as also from the Philippics of the orator, we know that the "Emathian conqueror" liberally availed himself of the Kautilyan methods in order to demoralize and subjugate the free cities of Hellas.

The Hindus and the Hellenes were thus simultaneously marching along the same roads of political experience. And the earliest Asian republics had the same fate as the European. In B.C. 338 Philip crushed the little republics of Greece and founded the Macedonian empire. A few years later (B.C. 321) Chandra-gupta founded the first empire of a united India, and became *chakravarti*, *chaturanta*, or *sarva-bhauma*, the "lord of *universitas quaedum*," to use an expression from Bartolus. The empire swallowed up the lesser monarchies which had reared themselves on the graves of clusters of republican sovereignties.

The earliest Hindu polity was, however, similar to that with which students of constitutional history are familiar in Homeric literature. It was the tribal organization based on the autonomy of the self-governing communities.

The nucleus of civic life was the assembly. The same Aryan institution was called *agora* in Greece, *comitia* in Rome, *gemot* among the Saxons, and *sabha* among the Hindus. This assembly of the whole folk, variously called *sabha*, *samiti*, *samsad*, *samgati*, etc., was the legislature, as well as the judiciary, nay, the army too. The temper of the people was vehemently democratic; the village, or rather the tribe, was the unit of political life; administration was carried on by public discussion; animated speeches must have been a characteristic feature of that society.

In the *Atharva Veda* (c B.C. 1000-800) we listen to an almost modern harangue in the interest of political unity and concord:

"Do ye concur; be ye closely combined; let your minds be concurrent; as the gods of old sat concurrent about their portion.

"Be their counsel the same, their gathering the same, their course the same, their intent alike; I offer for you with the same oblation; do ye enter together into the same thought.

"Be your design the same, your hearts the same, your mind the same, that it may be well for you together."³⁹

Public speaking was cultivated as an art of political life. Members came to the *sabha* with speeches well prepared. Success in the assembly was an ambition of life. In the following lines we catch an orator in the green-room, so to speak, making himself ready for the debate and praying for victory in it:

"May my foe by no means win the dispute; overpowering, overcoming art thou; smite the dispute of my counter-disputant. . . .

"Do thou smite the dispute of him, O Indra (God), who vexes us; bless us with abilities, make me superior in the debate."⁴⁰

Within the assembly itself there was keen competition among the members each to carry his own point. Each wanted to win over the whole audience to his way of thinking.⁴¹ Here is a demagogue praying for the effects of an oratorical hypnotism, as it were:

"With whom I shall come together, may he speak to aid me: may I speak what is pleasant among those who come together, O Fathers. . . .

"Whoever are thine assembly-sitters let them be of like speech with me.

"Of those that sit together I take to myself the splendour, the discernment; of this whole gathering make me, O Indra, possessor of the fortune.

"Your mind that is gone away, that is bound either here or here—that of you we cause to turn hither; in me let your mind rest."

All these debates and deliberations in the assembly were but accessories to the principal end of Vedic life, viz., warfare and annihilation of the enemy. The Hindus of the colonizing period described in the Vedas were preëminently fighters. Success in arms was the *leitmotif* of their songs, sports, rituals and ceremonies. And as in the Teutonic polity, in the Hindu also the "war begat the king."

³⁹ VI, 64 (ed. and trans. Whitney and Lanman).

⁴⁰ *Atharva Veda*, II, 27.

⁴¹ *Atharva Veda*, VII, 12.

THE VEDIC KINGSHIP

We do not have facts relating to the exact historical origin of kingship among the Vedic tribes. But the extremely outspoken attitude and the general absence of restraint manifest in some of the "election-hymns" indicate the essential equality and comradeship of the ruler with the ruled. Probably the will of the people had transformed the occasional leader (*heretoga*) for war purposes into a permanent chief or king. The *Aitareya Brahmana*⁴² is cited by Kashiprasad Jayaswal in support of this view: "The Devas and the Asuras were fighting . . . the Asuras defeated the Devas. The Devas said: 'It is on account of our having no king that the Asuras defeat us. Let us elect a king.' All consented."

Once instituted, kingship remained elective for a long time. The inauguration of a king "who has been called or chosen" by the people is thus portrayed in the *Atharva Veda*:

"Unto thee hath come the kingdom; with splendour rise forward; (as) lord of the people, sole king, bear thou rule; let all the directions call thee, O king; become thou here one for waiting on, for homage.

"Thee let the people choose unto kingship; thee these five divine directions

"Like a human Indra, go thou away; for thou hast concurred in concord with the castes (?); he here hath called thee in his own station.

"The wealthy roads, of manifoldly various form, all assembling, have made wide room for thee; let them all in concord call thee."⁴³

The people not only elected new kings, but sometimes also restored an expelled king against rival claimants. Thus we read:

"Thy friends have chosen thee against them; Indra and Agni, all the gods have maintained for thee security in the people.

"Whatever fellow disputes thy call, and whatever outsider—making him go away, O Indra, then do thou reinstate this man here."⁴⁴

⁴² I, 3, 14.

⁴³ III, 4.

⁴⁴ *Atharva Veda*, III, 3.

It was in such an environment of popular ascendancy that the Vedic king had to lord it over the world and lead his hosts, like Agamemnon against Troy, "conquering and to conquer." The all-seeing *sabha* made it impossible for the one to monopolize all the functions of the state. The few, if not the many, still controlled the public business as in the Tacitean *civitas* and the early Greek settlements. Besides, the people had the greatest weapon in their hands—the power of expelling or deposing the king.⁴⁵

Kingship became hereditary in India as in other countries. But the Vedic right and practice of election⁴⁶ were not forgotten in subsequent ages. The tradition is kept up in the *Mahabharata*.⁴⁷ We read in it of the election of Shantanu as against Devapi, of Pandu as against Dhritarastra, of Yudhisthira as against Duryyodhana, etc.

The sovereignty of the people maintained itself not only in the theoretical right of election, but also practically in the elaborate ceremonies which attended the coronation of the king. One of the incidents in the investiture was the *pratijna*, the vow, promise, or oath, by which the king had to bind himself to the state. The *pratijna*⁴⁸ is thus worded: "I shall always regard the *bhauma* (country) as the Brahma (the highest God). And whatever is to be prescribed as law on the basis of statecraft I shall follow without hesitation, never my own sweet will." The coronation oath thus made the king subordinate to law. It was, in fact, the basis of a *samaya*⁴⁹ or compact⁵⁰ between him and the people.

The right of election did not become a dead letter in more historical times. In the second century A.D. Rudradamana⁵¹

⁴⁵ *Shatapatha Brahmana*, XII, 9, 3, 3 (*The Sacred Books of the East*).

⁴⁶ Jayaswal's "Rituals at Hindu Coronation: their Constitutional Aspects" in the *Modern Review*, Calcutta, January, 1912.

⁴⁷ Hopkins' article in the *Journal of the American Oriental Society*, XIII, pp. 137, 139, 143.

⁴⁸ *Mahabharata*, *Shanti-parva*, Ch. LIX, verses 106, 107.

⁴⁹ *Ibid.*, LXVII, 17, 24.

⁵⁰ Compare the significance of oaths in Carlyle's *Medieval Political Theory*, Vol. III, 39-40.

⁵¹ *Epigraphia Indica*, VIII, 43.

was elected to kingship by "all the orders of the people." In the seventh century Harsavardhana came to the throne through election by ministers and magistrates; and the approval of the people was "shown in their songs."

On the latter occasion Premier Bhandi, "the distinguished," "whose power and reputation were high and of much weight," addressed the assembled ministers thus: "The destiny of the nation is to be fixed today. The old king's son is dead, the brother of the prince, however, is humane and affectionate Because he is strongly attached to the family, the people will trust in him. I propose that he assume royal authority. Let each one give his opinion on the matter whatever he thinks."⁵²

During the middle of the eighth century a commoner was elected king in the person of Gopala,⁵³ who eventually became the founder of the Bengali empire. The people wanted a strong monarch as the panacea for the evils of the "logic of the fish" (*matsya nyaya*) or the Hobbesian "state of nature," i.e. anarchy.

CONCILIAR ELEMENTS IN HINDU POLITY

Since the establishment of the Maurya empire in India (B.C. 321) and the Tsin empire in China (B.C. 221), the constitutional story of the two countries has been more or less the same. With the fall of the Greek republics (B.C. 338), and later, with the conversion of the Roman republic into an empire (B.C. 27), Europe also entered upon the career of despotism, mostly arbitrary and absolute, until it received a strong blow in the English revolution of 1688, and was shaken to its foundations by the French revolution of 1789. But during this period the organs of public opinion were not altogether extinct. In Asia as in Europe the voice of the people made itself heard, at least semi-constitutionally, in the affairs of states.

The Vedic *sabha* seems to have passed through four, not necessarily successive, stages. It may be said rather to have been the prototype of three new administrative bodies.

⁵² Beal's *Si-yu-ki*, Vol. I, pp. 210-211.

⁵³ Rakhaladas Banerji's *Memoir on the Palas of Bengal*, p. 45 (published by the Asiatic Society of Bengal, Calcutta).

In the first place, as we have seen, it was a "direct democracy" of the patriarchal type, i.e., with its chief at the head as the "permanent executive" or king.

Secondly, it was probably such an assembly that constituted the council of the *vairajya* (kingless) polities. These two types must have flourished side by side for a long time.

Thirdly, with the expansion of the tribe and clan in population and area, the primitive *agora* of the whole folk must have gradually dwindled into the less numerous and hence less democratic council of ministers, i.e., the king's assistants or advisers in war and peace. The council of the *wilan* in the early English constitution had the same origin and status.

In this third form the Hindu *sabha* was a permanent "estate," and served the purposes for which the *Champs de Mars* and the *Champs de Mai* were but occasionally convened by the French kings down to the thirteenth century. This institution was for a long time synchronous with the second and outlived it.

And fourthly, the Vedic *sabha* may be regarded as persisting all through the ages in the primary units of administration, the rural communes, the so-called "village communities." Anthropologically, no doubt, these village institutions, no matter whether the lands are owned in common or in severalty, have to be explained as altogether independent growths, as they are distributed⁵⁴ almost as widely as mankind in one form or another. Nevertheless, these folk-moots do not differ in kind from the Teutonic, Homeric, and Vedic *civitas*. Logically, therefore, if not chronologically, they may be treated as "survivals," so far as administrative (as distinguished from agrarian) history is concerned.

The patriarchal democracy disappeared from India long before the Maurya empire, and probably the last vestiges⁵⁵ of the sov-

⁵⁴ Asakawa's "Contributions of Feudal Japan to New Japan" in the *Journal of Race Development*, July, 1912; Ashley's *Surveys Historic and Economic*, pp. 92-106, 147-151, 152-156; Gomme's *Primitive Folk-moots*, 20-69, and *Village Community*, 233; Stubbs' *Constitutional History*, Vol. I, p. 34; Seebohm's *English Village Community*, 437-441; Maine's *Village Communities in the East and West* (ed. 1876), pp. 122-126.

⁵⁵ For traces of Hindu republics about seven centuries later than this date see Smith's *Early History of India* (ed. 1914), p. 286.

ereign republics were absorbed into it. But the council of ministers and the village community have since then represented the conciliar element in the Hindu constitution.

The ministry was indeed of substantial importance in the politics of India. Not only the semi-mythical "great exemplars," like Rama and Yudhisthira of India, but the historical Charlemagnes and Fredericks of oriental history also are known to have been greatly controlled by their ministers. Matters of public law could not be passed by the king alone.

The council of ministers is invariably mentioned as authority along with the king in the royal grants with which we are familiar in Ceylonese inscriptions.⁵⁶ Hiuen Tshang tells the story of a Hindu minister who succeeded in checking the ultra-philanthropic quixotism of his king. The minister argued thus: "Your Majesty indeed will get credit for charity, but your minister will lose the respect of all," because "your treasury will thus be emptied and then fresh imposts will have to be laid, until the resources of the land be also exhausted, then the voice of complaint will be heard and hostility be provoked."⁵⁷

Similarly it is the initiative and sense of responsibility of the Persian ministers that lay behind the splendid work done under the Abbasside caliphs of Bagdad in science, literature, material improvements, roads, canals, etc.

The rural communes of India are well known to students of political institutions as more or less self-sufficient units of local government through the writings of Sir Henry Maine, though his statements about the "communal" character of land-tenure in the Indian villages can no longer be accepted *in toto*, in the light of Baden Powell's detailed investigations.

Buddhist evidences furnish us with glimpses into village self-rule for the fifth and sixth centuries B. C. "The villagers united of their own accord to build mote halls and rest-houses and reservoirs, to mend roads between their own and adjacent villages,

⁵⁶ *Epigraphia Zeylanica*, Vol. I, no. 9; Vol. II, no. 5.

⁵⁷ Beal's *Si-yu-ki*, Vol. I, p. 107.

and even to lay out parks. And it is interesting to note that women are proud to bear a part in works of public utility."⁵⁸

South Indian inscriptions of the tenth century indicate that sometimes the general assembly of the village was divided into several committees: (1) annual committee, (2) garden committee, (3) tank committee, (4) gold committee, (5) committee of justice, (6) committee for general supervision or some special tax. There was no prohibition against women being members.⁵⁹

The mode of election to the committees was as follows: "The village with its twelve streets was divided into thirty wards (the number of members is thirty). Every one who lived in these wards wrote a name on a ticket. The tickets were first arranged in separate bundles representing the thirty wards. Each bundle bore the name to which it belonged. The bundles were then collected and put into a pot and placed before the general body of inhabitants both young and old in meeting assembled. All the priests were required to be present. The oldest priest among the present then took the pot, and looking upwards so as to be seen by all people, called one of the young boys standing close by who does not know what is inside to pick out one of the bundles. The tickets in this bundle were then removed to another pot. After it had been well shuffled, the boy took one ticket out of this bundle and handed it to an officer called the arbitrator, who received it in the palm of his hand with fingers open. He read out the name, and it was then shouted out by the priests."⁶⁰

The rural communes have lived on till modern times enjoying greater or less autonomy according to the degree of centralization achieved by the rulers of successive ages. "The townships remain entire," says Elphinstone, "and are the indestructible atoms, from the aggregate of which the most extensive Indian empires are composed."⁶¹ He quotes Metcalfe's report: "They

⁵⁸ Rhys Davids' *Buddhist India*, Ch. III.

⁵⁹ *Madras Epigraphy*, 1909-1910, p. 98, cited in Matthai's *Village Government in British India*, pp. 25-30.

⁶⁰ Matthai, *Ibid.*

⁶¹ *History of India*, Vol. I, ch. II; Report of the Select Committee of the House of Commons, 1832, Vol. III, App. 84, p. 131.

seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution . . . but the village communities remain the same."

GILDS AND CORPORATIONS

Among the republican institutions of the Orient must be mentioned the corporate bodies which the people have always organized for the furtherance of joint interests. Such bodies have taken the character of secret societies for revolutionary purposes, religious associations, as well as industrial companies, trade guilds and business corporations. The capacity of the Orientals for collective work is as conspicuous in these as that of the Occidentals in their religious fraternities, orders of knights, guilds of minnesingers and mystery-playwrights, craft organizations, etc.⁶²

In China the trading guilds were energetic and numerous as early as the seventh century B.C.⁶³ Some of the existing guilds trace their origin to a remote antiquity as far back as B.C. 1122.⁶⁴ They have always been of "purely democratic origin, without grant or license from the governing powers."⁶⁵

Collectivism in production has also been a regular feature of economic life in India. As early as the fifth and sixth centuries B.C. we hear of guilds or corporations of butchers, leather workers, fishermen, sailors, dyers, ivory workers, metallurgists, etc.⁶⁶ Even the evils of modern capitalism, of trusts and corners, seem to have been experienced by the people. In the *Artha-shastra* (fourth century B.C.) we read that the middlemen, the merchants, used to raise prices by concerted action among themselves, so that profits sometimes went as high as cent per cent.⁶⁷ And the socialistic legislators of the day were compelled to interfere

⁶² Chambers' *Mediaeval Stage*, Vol. I, 55, Vol. II, 111-115, 258-262; Unwin's *Gilds and Companies of London*, 110-127, 267-293, etc.

⁶³ Werner's *Chinese Sociology*, Table II.

⁶⁴ Macgowan's article in the North China Branch of the *Journal of the Royal Asiatic Society*, 1886, New Series, Vol. XXI, pp. 133-192.

⁶⁵ Morse's *Gilds of China*, pp. 9, 12.

⁶⁶ Rhys Davids' *Buddhist India*, Ch. vi.

⁶⁷ Pramathanath Banerjea's *Public Administration in Ancient India*, p. 271.

in matters of exchange on behalf of the consumers.⁶⁸ Kautilya penalized "such large profits as are ruinous to the people."

Combinations for industrial and commercial purposes were important enough to have special mention in all treatises on law and polity in connection with the regulation of wages and profits. The ancient gilds⁶⁹ had their heyday probably between the third century B.C. and the sixth century A.D. but they have had a vigorous life ever since.⁷⁰ Shookra makes us familiar with some of the old state legislation relating to the gilds: "The leader or captain of those who combine to build a palace or a temple and construct canals or furniture is to get twice the share received by each of the others. The remuneration of a musical party is also to be divided according to this principle."⁷¹ About joint stock enterprises we are told that "those who deal in gold, grains, and liquids collectively shall have earnings according to the amount of their share, greater, equal, or less."⁷²

But the Hindu gilds were no mere monopolistic economic organizations against which the state had to protect the people. They were virtually little states in themselves. They had their own judges and judicial tribunals. We learn from Narada⁷³ and Brihaspati⁷⁴ that "companies or corporations . . . have the power to decide law-suits."⁷⁵ And their position on the judicial hierarchy is indicated in the *Shookra-neeti* as follows: "The corporations will try the cases not tried by the families, the assemblies will try the cases left by the corporations."⁷⁶

The gilds were legislators too. The companies of traders are mentioned by Manu⁷⁷ as lawmaking bodies, and he declares some

⁶⁸ Shamasastri's "Chanakya's Land and Revenue Policy" in the *Indian Antiquary*, 1905, p. 56.

⁶⁹ Hopkins' *India Old and New*, pp. 169-176.

⁷⁰ Birdwood's *Industrial Arts of India*, pp. 138-140, etc., cited in Ananda Coomaraswamy's *Indian Craftsman*, pp. 8-12 (Note the references to the regulation of the hours of labor, unemployment, etc.).

⁷¹ *Shookra-neeti*, Ch. iv, sec. v, lines 606-608.

⁷² *Ibid.*, iv, v, 614-615.

⁷³ "Legal Procedure" (*The Sacred Books of the East*).

⁷⁴ *Ibid.*, Ch. I, verses 28-31.

⁷⁵ Jolly's *Minor Law Books*, Part I, pp. 346-350.

⁷⁶ Ch. iv, v, lines 59-60.

⁷⁷ Ch. I, verse 118.

of their usages in his *Institutes*. The customs of the gilds should be studied by the king, says Shookra,⁷⁸ with reference to the administration of justice. And on the gilds themselves their own practices were binding.⁷⁹ All these customs and usages were recognized by the state and thus constituted "positive" law.⁸⁰

Further, the gilds were treated as representative bodies by the king. "It is through their gilds that the king summons the people on important occasions. The aldermen or presidents of such gilds are sometimes described as quite important persons."⁸¹ And if there were disputes between gilds in their corporate character they fell within the jurisdiction of the royal courts. "The Lord High Treasurer acted as a sort of chief alderman over the aldermen of the gilds."

Constitutionally speaking, then, these semi-sovereign corporate bodies of the Orient have had much the same relation with the state as the "gild merchant" and craft gilds of medieval Europe with the borough-administrations of Ghent, Cologne and Florence, or with the feudal barons, or with the king himself. The political immunities and privileges of the European artisans were, generally speaking, no other than the autonomies "delegated" to the corporations by the oriental rulers.⁸²

LAISSEZ FAIRE

The liberties, personal and communal, associated with feudalistic disintegration are the inevitable concomitants of all decentralization. These have been enjoyed by the Hindus during almost every period of their history.

Like the Byzantine, Carolingian and Hapsburg empires of Europe, and like the Tang, Ming and other Chinese empires, the

⁷⁸ Ch. iv, v, lines 89-91.

⁷⁹ Ch. iv, v, line 35.

⁸⁰ The "corporation law" relating to the constitution of gilds and public associations is given by Brihaspati (Ch. xvii, verses, 5, 10, 13, 15, 16, 17, 19, 22, 24).

⁸¹ Rhys Davids' *Buddhist India*, p. 97.

⁸² Brissaud's *History of French Public Law*, p. 253; Gross' *Gild Merchant*, Vol. I, pp. 105, 159-162, etc. Compare Brihaspati in note 80 and Birdwood in note 70. Vide also Hopkins' *India Old and New*, pp. 193-196 (jurisdiction of the gilds).

Maurya, Gupta, and Moghul empires of India were, except for short intervals, mere apologies for empires, if we strictly apply to them the test of Austinian sovereignty. These *Weltherrschaften* were really the nurseries of home rule, provincial autonomy, and local self-government.

It should not be surmised, however, that strong centripetal forces were wanting in India. From Sanskrit and Pali sources we learn, as in Radhakumud Mookerji's *Fundamental Unity of India*,⁸³ that the conception of pan-Indian nationality and *federation de l'empire* was the permanent source of inspiration to all "aspirants" (*vijigeesoo*) to the position of the *chakravarti* or the *sarva-bhauma*, i.e., the *dominus omnium* of Bartolus. And more than one oriental Napoleon succeeded in giving a unified administration, financial as well as judicial, to extensive provinces in Hindustan.

Organization in India under the *sarva-bhauma* or *chakravarti* emperors was no less thorough than in China under the Manchus.⁸⁴ The census department of the Maurya empire, as described by Megasthenes and Kautilya, was a permanent institution. It numbered the whole population, says Narendranath Law,⁸⁵ as well as the entire live stock, both rural and urban. Causes of immigration and emigration were found out. "Managers of charitable institutions were required to send information to the census officers." "Merchants, artisans, physicians, etc. had also under the city rules to make reports to the officer in charge of the capital regarding people violating the laws of commerce, sanitation, etc."

The centralization manifest in the collection of vital statistics marked every department of governmental machinery. The central government bestowed attention upon the question of irrigation even in the most remote provinces. "Although Girnar

⁸³ Pp. 70-74, 106, 108-111, etc.

⁸⁴ Cf. Williams, *The Middle Kingdom*, Vol. I, pp. 395-500. Tocqueville's adverse criticism of the centralization under the *ancien régime* (Brissaud's *History of French Public Law*, p. 396) would apply with no less force to the centralization of rural communes under the Kautilyan imperialism ("Chanakya's Land and Revenue Policy," by Shamasastri in the *Indian Antiquary*, 1905, pp. 7, 8).

⁸⁵ *Studies in Ancient Hindu Polity*, Vol. I, pp. 106-114.

is situated close to the Arabian Sea, at a distance of at least 1000 miles from the Maurya capital (Pataliputra on the Ganges in Eastern India, the site of modern Patna), the needs of the local farmers did not escape the imperial notice."⁸⁶ It is an open question if imperialism was ever more effective in any period of European history.

Chandragupta and Asoka's highest court of judicature⁸⁷ might be the model of the *Parlement* of Paris, first organized in the thirteenth century by Louis IX. The judicial hierarchy of the traditional law books was also similar to that of the Chinese: "A case tried in the village assembly goes on appeal to the city court, and the one tried in the city court goes on appeal to the king."⁸⁸

In Moghul India land revenue was assessed on a uniform basis of measurement. The France of Louis XIV, though about one-third of the contemporary Indian empire, did not possess this uniformity, in spite of the centralizing ambitions and exploits of the *grand monarque*. "On the eve of the French Revolution" there were about "three hundred and sixty distinct bodies of law, in force sometimes throughout a whole province, sometimes in a much smaller area."⁸⁹ The administrative homogeneity of Moghul India was to no small extent brought about by the construction of roads which were maintained at a high level of excellence both for commercial and military purposes. Tavernier, the French merchant, found traveling in India in the seventeenth century "more commodious than anything that had been invented for ease in France or Italy."

But communication, conveyance, transmission of messages, transfer of officers, etc., howsoever efficiently managed, could not by any means cope with the area and the population except for short periods under masterful organizers. The "absolute limit" of imperialism was offered by the extent of territory and similar natural hindrances. Even the best conceived organs of unifi-

⁸⁶ Smith's *Early History of India* (ed. 1914), 132.

⁸⁷ Law's *Hindu Polity*, Vol. I, pp. 117-121.

⁸⁸ Narada, I, 11, in Jolly's *Minor Law Books*.

⁸⁹ *Cambridge Modern History*, Vol. VIII, ch. II, p. 49.

cation could not under the circumstances permanently withstand the tendencies to centrifugal disruption. No political organism of a tolerably large size could therefore possibly endure either in the East or the West. It is not a special vice of the Orient, as has been alleged, that the empires were ephemeral and that the kingdoms were in a "state of nature." Rather, on the basis of comparative history, it has to be admitted that, if the territorial limits and the duration of effective imperialism be carefully remembered, the oriental administrators would not yield the palm either to the Romans, or to the Franks and the Hapsburgs who prolonged the continuity of the Augustan empire by "legal fiction."

A consolidated empire worthy the name, i.e., one in which influences radiate from a common center as the sun of the administrative system, could not be a normal phenomenon anywhere on earth before the era of steam and the industrial revolution. It is this fundamental influence of physics on politics, that, more than any other single cause, forced the ancient and medieval empires of the world to remain but bundles of states, loose conglomerations of almost independent nationalities, *staatenbunden* cemented with the dilutest mixture of political blood.

"Regional independence" was thus the very life and core of that system in Asia as in Europe. It was the privilege into which the provincial governors, the *markgrafen*, the local chiefs, and the aldermen of rural communes were born. Their dependence on their immediate superior consisted chiefly in the payment of annual tribute and in occasional military service. They had to be practically "let alone" in their own "platoons." Even the strongest "universal monarchs" such as Shi Hwang-ti, Han Wu-ti, Tang Tai-tsung, Manchu Kanghi, Chandragupta, Samudragupta, and Akbar, could not but have recourse to a general policy of *laissez faire*, especially in view of the fact that each of them had to administer a territory greater in size than the Napoleonic empire at its height.

CONCLUSION

No Guizot has yet attempted a history of popular institutions in the Orient. We do not know, age by age, and country by country, precisely to what extent the peoples actually participated in the work of government. Archeological researches have not been extensive enough to supply the details of financial and administrative history. It is not possible, therefore, on the one hand, to appraise clearly the organizing capacity of the oriental statesmen and rulers and, on the other, to check accurately the democratic theories of the philosophers with reference to the economico-political *milieu*. Studies in comparative politics must remain incomplete for a long time to come for want of historical material from the Asian side bearing on the world's primitive and medieval institutions.

It is already clear, at any rate, that the nineteenth century generalization about the Orient as the land exclusively of despotism, and as the only home of despotism, must be abandoned by students of political science and sociology. It is high time, therefore, that comparative politics, so far as the parallel study of Asian and Eur-American institutions and theories is considered, should be rescued from the elementary and, in many instances, unfair notions prevalent since the days of Maine and Max Müller, first, by a more intensive study of the Orient, and secondly, by a more honest presentation of occidental laws and constitutions, from Lysurgus and Solon to Frederick the Great and the successors of Louis XIV, that is, by a reform in the comparative method itself.